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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/806,845

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Brian Boesch

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7590

05/19/2006

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EXAMINER

CASCA, FRED A

ART UNIT

PAPER NUMBER

2617

DATE MAILED: 05/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/806,845

Applicant(s)

BOESCH, BRIAN

Examiner

Fred A. Casca

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 20 February 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 13-30 and 33-38 is/are allowed.
- 6) ☒ Claim(s) 1-8, 11, 12, 31 and 32 is/are rejected.
- 7) ☒ Claim(s) 9 and 10 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
4. ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. The Art Unit location of your application in the USPTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Art Unit 2617.

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on February 20, 2006 has been entered.

### *Claim Rejections - 35 USC § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-8, 11-24, 11-12 and 31-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over McAlexander (U.S. Pub. No. 2005/0054351 A1), in view of Elliot (U.S. Patent No. 6,243,039 B1), and further in view of Northcutt (U.S. Pub. No. 2005/0130680 A1).

Referring to claim 1, McAlexander discloses a system for locating a member of a group, wherein each member of the group comprises a portable wireless monitored device equipped with location means, the system (Figure 1, paragraphs 1, 30, 46-47, and 44, note the secondary

mobile units are mobile and monitored) comprising the portable wireless device, wherein the portable wireless monitored device is accessible via a wireless network (Figure 1, and paragraphs 30, 32-35, “secondary mobile unit”); and a server accessible via the portable wireless network, the server adapted to receive location data from a first portable wireless device (Figure 1, and paragraphs 30, 32-35, “primary base station”, “primary mobile unit”).

McAlexander does not specifically disclose establish a location rule for the first portable wireless monitored device, determine whether the first portable wireless monitored device is in violation of the location rule established for the first wireless device; in the event the first portable wireless monitored device is in violation of the location rule established for the first wireless device, report the location data of the first portable wireless monitored device to the first portable wireless monitored device.

Elliot discloses establishing a location rule for the first portable wireless monitored device, determining whether the first portable wireless monitored device is in violation of the location rule established for the first wireless device; in the event the first portable wireless monitored device is in violation of the location rule established for the first wireless device, report the location data of the first portable wireless monitored device (col. 3, lines 23-56, “pre-specified threshold”, “notification of authorities”).

It would have been obvious to one of the ordinary skill in the art at the time of the invention to modify the system of McAlexander by incorporating the teachings of Elliot by providing establishing a location rule for the first portable wireless monitored device, determining whether the first portable wireless monitored device is in violation of the location rule established for the first wireless device; in the event the first portable wireless monitored

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device is in violation of the location rule established for the first wireless device, and report the location data of the first portable wireless monitored device, motivation being for the purpose of securing portable wireless monitored devices and preventing them from getting into trouble by going over the safe perimeters.

The combination of McAlexander/Elliot does not specifically disclose to report the location data of the first portable wireless monitored device **to the first portable wireless monitored device**.

Northcutt discloses reporting the location data of the first portable wireless monitored device **to the first portable wireless monitored device** (abstract, paragraphs 3, “location data representing a mobile phone’s current approximate location to a mobile phone user via the mobile phone display”).

It would have been obvious to one of the ordinary skill in the art at the time of the invention to modify the system of McAlexander/Elliot by incorporating the teachings of Northcutt and providing to report the location data of the first portable wireless monitored device **to the first portable wireless monitored device**, motivation being for the purpose of monitoring and controlling the mobility of the first wireless device by letting the first wireless device know that it is in violation so that the first wireless device could correct its position, and it would be very beneficial to alert the user of violation in order to prevent the user from getting into trouble).

Referring to claim 2, the combination of McAlexander/Elliot/Northcutt discloses the system of claim 1 and further disclose comprising a second portable wireless monitored device (McAlexander, Figure 1, and paragraphs 30, 32-35).

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Referring to claim 3, the combination of McAlexander/Elliott/Northcutt discloses the system of claim 1, and further disclose the portable wireless monitored device is a cell phone (Elliott, col. 4, line 52 through col. 6, line 17, "cellular communication device").

It would have been obvious to one of the ordinary skill in the art at the time of the invention to incorporate the teachings of McAlexander/Northcutt, motivation being to allow cell phones to be used and consequently groups to be formed with spending fund on mobile monitored devices.

Referring to claim 4, the combination of McAlexander/Elliott/Northcutt disclose the system of claim 3, and further disclose the wireless network is a cell phone network (Elliott, col. 4, line 52 through col. 6, line 17, "cellular communication device").

It would have been obvious to one of the ordinary skill in the art at the time of the invention to incorporate the teachings of McAlexander/Northcutt, motivation being to allow cell phones to be used and consequently groups to be formed with spending fund on mobile monitored devices.

Referring to claim 5, the combination of McAlexander/Elliott/Northcutt disclose the system of claim 1, and further disclose the location means comprises a GPS chip adapted to acquire and process a GPS signal (McAlexander, paragraphs 2-4 and 53-54).

Referring to claim 6, the combination of McAlexander/Elliott/Northcutt disclose the system of claim 1, and further disclose the location rule comprises a proximity threshold relative to a perimeter boundary (Elliott, Abstract, and col. 3, lines 23-56).

It would have been obvious to one of the ordinary skill in the art at the time of the invention to modify the system of McAlexander/Northcutt by incorporating the teachings of

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Elliot by providing establishing a proximity threshold relative to a perimeter boundary, motivation being for the purpose of securing portable wireless monitored devices and preventing them from getting into trouble by going over the safe perimeters.

Referring to claim 7, the combination of McAlexander/Elliot/Northcutt disclose the system of claim 6 and further disclose the perimeter boundary is an egress perimeter boundary that defines an area from which the portable wireless monitored device may not depart (Elliot, col. 3, lines 22-56).

It would have been obvious to one of the ordinary skill in the art at the time of the invention to modify the system of McAlexander/Northcutt by incorporating the teachings of Elliot by providing the perimeter boundary is an egress perimeter boundary that defines an area from which the portable wireless monitored device may not depart, motivation being for the purpose of securing portable wireless monitored devices and preventing them from getting into trouble by going over the safe perimeters.

Referring to claim 8, the combination of McAlexander/Elliot/Northcutt disclose the system of claim 6, and further disclose the perimeter boundary is an ingress perimeter boundary that defines an area into which the portable wireless monitored device may not enter (Elliot, col. 3, lines 22-56).

It would have been obvious to one of the ordinary skill in the art at the time of the invention to modify the system of McAlexander/Northcutt by incorporating the teachings of Elliot by providing the perimeter boundary is an ingress perimeter boundary that defines an area into which the portable wireless monitored device may not enter, motivation being for the

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purpose of securing portable wireless monitored devices and preventing them from getting into trouble by going over the safe perimeters.

Referring to claim 11, the combination of McAlexander/Elliott/Northcutt disclose the system of claim 2, and further disclose the second portable wireless monitored device is a designated group leader (McAlexander, Figure 1, and paragraph 44-48).

Referring to claim 12, the combination of McAlexander/Elliott/Northcutt disclose the system of claim 11, and further disclose the server is located on the group leader (McAlexander, Figure 1, and paragraph 44-48).

Referring to claim 31, the combination of McAlexander/Elliott/Northcutt disclose the system of claim 1.

The combination of McAlexander/Elliott does not specifically disclose wherein the first portable monitored wireless device comprises a display and wherein the display is adapted to receive and to display the location data.

Northcutt discloses the first portable monitored wireless device comprises a display and wherein the display is adapted to receive and to display the location data (Figure 1, and abstract, and paragraph 14).

It would have been obvious to one of the ordinary skill in the art at the time of the invention to modify the system of McAlexander/Elliott by incorporating the teachings of Northcutt and consequently providing the first portable monitored wireless device to comprise a display and wherein the display is adapted to receive and to display the location data, motivation being for the purpose of providing visual means of location data because the visual means adds a better and faster knowledge of the location data and helps the user in location determination.



Referring to claim 32, the combination of McAlexander/Elliott/Northcutt disclose the system of claim 31, and further disclose the location data is displayed in a form selected from the group consisting of a text message and a graphical display (Northcutt, Figure 1, and abstract, and paragraph 14).

It would have been obvious to one of the ordinary skill in the art at the time of the invention to modify the system of McAlexander/Elliott/Northcutt by incorporating the further teachings of Northcutt and consequently providing the location data to be displayed in a form selected from the group consisting of a text message and a graphical display, motivation being for the purpose of providing text and graphical means of location data because the text and graphical means adds a better and faster knowledge of the location data and helps the user in location determination.

*Allowable Subject Matter*

5. Claims 13-30 and 33-38 are allowed.
6. Claim 9-10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is the examiner's statement of reasons for allowance: The prior art fails to teach or suggest the new limitations to independent claims 13, 20, and 25. In particular, none of the prior art teaches or suggests reporting the location data of the first member portable wireless monitored device directly to at least the second member portable wireless monitored device, and

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determining the location of the portable wireless monitored device relative to the location of the plurality of portable wireless monitored devices and reporting the portable wireless monitored device the location data of the portable wireless monitored device relative to the location of the plurality of portable wireless monitored devices.

### *Conclusion*

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Musa U.S. Patent No. 5,557,259 discloses a proximity and alert system that allows an electric device to monitor and observe the proximity of a subject under surveillance.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fred A. Casca whose telephone number is (571) 272-7918. The examiner can normally be reached on Monday through Friday from 9 to 5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lester Kincaid, can be reached at (571) 272-7922. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
**LESTER G. KINCAID**  
**SUPERVISORY PRIMARY EXAMINER**